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XIX.

29

PAPERS

RELATING TO THE

French Seigniories

OF

LAKE CHAMPLAIN.

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THE BOARD OF TRADE AND PLANTATIONS TO LT. GOV. COLDEN. 13 JULY 1764.

[Lond. Doc. XXXVII.]

Monsieur Michel Chartier de Lotbinière, heretofore an officer in the French King's Service in Canada has presented to us a Memorial desiring the confirmation of two Concessions in America, the one called D'Alainville, four leagues and upwards in front, part upon Lake George & part upon Crown Point River, and extending in depth five leagues to the West, granted by the Marquis de Vaudreuil in 1758; the other situated opposite to Crown Point, having the same extent in Front & extending in depth five leagues to the East, purchased of Monsr Hocquart in 1762, to whom it is alleged to have been granted in 1743 and 1745.

As this Gentleman's case appears to us to require particular consideration, we have wrote to the Governor of Quebec for authentick copies of these grants from the Records, in order that we may be enabled to make a representation to His Majesty thereupon, and in the meanwhile we think proper to direct that no grants whatever be made under the authority of the Government of New York of any part of the lands comprehended within the limits of these Concessions. So we bid you heartily farewell, and are

Sir

Your very loving friends

HILLSBOROUGH
GEO. RICE
BAMBER GASCOYNE
J. DYSON.

Whitehall, July 13.
1764

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EXPLANATIONS

ON MY TWO SEIGNIORIES OF ALLAINVILLE AND HOCQUART AT THE HEAD OF LAKE CHAMPLAIN, AND DETAIL OF MY PROCEEDINGS AS WELL IN LONDON AS IN THIS COUNTRY ON THE SUBJECT, BY M. DE LOTBINIERE. MONTREAL 20 SEPT. 1771.

[From MSS. in Sec. of State's Off. Alby.]

The situation of Alainville is designated so clearly in my affidavit annexed in perfect conformity to the Deed granted to me, that it appears useless to add any thing thereto.

Though that of Hocquart is indicated in the two Deeds of Concession of which I annex copies, yet to obviate doubts which may arise on the subject, I shall give the details which have been furnished me of that Seigniory. Its front commences on the south side about fifteen or eighteen *arpens* above a tract bordering on the Lake, in front (*en face*) of Fort Crown-point, from two to three hundred arpens square in superficies reserved by the original proprietor to himself as an Inalienable Domain, which is separated from the lands conceded to divers *Censitaries* (Tenants) by a marsh formed by a stream that empties there. This front extends thence four leagues* on a direct line drawn towards the North at each extremity of which ought to be run two perpendiculars of a length sufficient to give the totality of the Seigniory five leagues in depth. Moreover it must be observed that in my quality of first Grantee in that quarter, I must be satisfied according to my titles before any other presenting his claims can claim the smallest trifle.

As to the validity of my titles at the time of the Reduction of the country, let but a single glance be directed to these two Seigniories; the frequent clearances to be seen there which cannot have yet disappeared; the various settlements the wrecks of which at least cannot have been swept away by the misfortunes inseparable from a period of War; these will prove incontestably that

* *Note in Orig.*—The league of Canada is 84 *arpens*: the *arpent*, 30 toises; the *toise* 6 feet royal of Paris.

nothing can oppose their entire effect. Nothing, then, remains but to detail my proceedings in regard to them.

Shortly after my arrival in London in June 1763, after having presented myself to the Secretary of State for the department, to the Lords and others to whom I was recommended, I was told that the Provinces were making great exertions to deprive us, if they could, of our properties on Lake Champlain and neighbourhood, and that the Ministry much importuned by them appeared to be undecided. I explained; they endeavored to reassure me but not with that positive answer I should desire. Not wishing to expose myself to any difficulty with any one, I decided to wait patiently. Meanwhile, the Earl of Shelburne, the President of the Board of Trade and Plantations, offered to present me to the King. I observed to him that in my quality as immediate Vassal of the King for all the Fiefs which I held, depending from His Majesty, it appeared to me that I ought to begin by rendering him my Fealty & Homage and I prayed him to have me received at once. He replied, that could not be as yet, some previous arrangement being necessary. I since offered myself; I was always put off under the same pretext.

At the moment so to speak, when his Lordship was promising me entire satisfaction regarding the object of my sojourn, he suddenly resigned and was succeeded by My lord Hills-borough. I renewed all my original proceedings with the new President who appeared to listen to me with complaisance and feel perfectly the Equity of my case but would decide nothing, doubtless until he saw every thing established elsewhere in a perfect equilibrium. Being advised not to content myself with talking but to hand in a Memorial which could fix the attention of the Office on the subject of my demand, I presented, in March 1764 the one below, (Letter A.) Every day I visited all the Lords of this office who individually gave me to hope a prompt conclusion but who when assembled decided nothing. Finally, seeing each of them prepared to retire to the country, I represented with all the force I was master of to Milord the Earl of Hills-borough the injustice I had already sustained by so long a sojourn, and if he left London without my being informed of my lot, I was irremediably ruined,

not only by the heavy loans I was obliged to contract, but by perceiving myself arrested in all my affairs which it was moreover of the last importance to me to prosecute. He then told me, for the first time, that he had over three months ago addressed several questions to the King's Attorney General, without the decision of which nothing could be determined for me. I requested that he would allow me to use his name to urge an answer, and he permitted me. I forthwith prepared the Memorial to be seen below, (under Letter B.) which I presented next morning to the said Attorney General, and in the evening I addressed him the note copy of which is under Letter C. I was informed ten or twelve days after, that his answer had reached the Bureau. On the first day of July I was sent for to the office when Milord the Earl of Hills-borough informed me, in presence of all the Lords assembled and on their part: "That I might return home as soon as I pleased without entertaining the least uneasiness regarding my two Seigniories beyond the limits of the Government of Quebec. By means of the orders they should transmit to the Governour of New York to which Province His Majesty had been pleased quite recently to annex those parts not settled by His Proclamation of the 7th October last, they should instruct him not to concede any land either in my Seigniories or their vicinity, until their situation was perfectly understood; that I may be assured that in whatever part of the King's obedience any of my property may be situate, I should possess and enjoy them equally as those included within the limits of the Government of Quebec"—and terminated with the most gracious compliments for Mde. de Lotbiniere and the rest of my family. These orders have been addressed and arrived at the time in the Province: The letter which Lieutenant Governour Cadwallader Colden did me the honour to write me on the 11th of September 1765, proves it beyond dispute.

Since my arrival in this Country I have done every thing in my power, as well with the said Sieur Colden as with Sir Henry Moore, to whom I presented on Lake Champlain my original titles. I constantly endeavored to interest in my behalf all those with whom I was acquainted, residents of the said Province, who

have been so good as to act, from time to time, near the said Government. I experienced the same attention here and in London, since my departure, so that it is impossible to conceive in me any, even the smallest, neglect as regards these two Seigniories, which at present are the sole certain portion of my existence, abridged in all the rest by a forced prosecution of my proceedings in their regard, and unable to enjoy them since the peace. MONTREAL, the 20th September, One thousand seven hundred and seventy one.

(*A.*)

MEMOIR OF TWO SEIGNIORIES AT THE HEAD OF LAKE CHAMPLAIN.

To the Right Honble the Lords Commissioners of Trade and Plantations, the following Memorial of Michel Chartier de Lotbiniere &c.

Sheweth, That he is proprietor of two Fiefs and Seigniories which are held from the King; the one under the name of *Alainville* four leagues and over in front, partly on Lake St Sacrament (now lake George) and partly on the River St Frederic (Crown point River) with a depth of five leagues towards the West which was granted to him the 15th November 1758 by the Marquis of Vaudreuil the then Governor General in Canada, (copy of said Concession annexed) on which he had made divers establishments that have been successively ruined by the English armies.

The other of a nearly equal front opposite St Frederic (Crown point) extending Northwardly along the River and Lake by a depth five leagues East, which he acquired 7 April last from Sieur Hocquart Councillor of State and Intendant of the Naval forces at Brest to whom the aforesaid was granted by two Patents of Concession the 20 April 1743, and 1 April 1745, of which the major part of the settlements have been, in like manner, destroyed in the last war.[1]

1. The first of these Seigniories was in the present County of Essex, N. Y.; the other, on the opposite side of Lake Champlain, embraced the present towns of Panton, Addison and Bridport, in Addison Co., Vt., and will be found laid down in the English Map of Lake Champlain annexed.

The Memorialist being assured that the said two Fiefs are not included within the new Government of Quebec formed from a part of Canada, and not being unable to discover from the Kings Proclamation of the 7th October last, which establishes the boundaries of said New Government, nor elsewhere, to what other part the two Seigniories in question, at present belong, he prays Your Lordships to instruct the government to which they are at present annexed, to have him acknowledged there as Proprietor of said Estates; to cause him to enjoy the same, without delay, in the same manner that he or his predecessors have or ought to enjoy them, in order that he may be in a position to replace the inhabitants there who were already located there; that he may as soon as possible make there the settlements he proposes and improve said Seigniories in the most useful manner, and according as he may judge most proper.

London, 6 May, 1764.

(*B.*)

To Sir Fletcher Norton, King's Attorney General.

The affair in question at present which alone detains me here over a year in consequence of difficulties which I perceived to arise on my arrival in this country that I could not even suspect before; by which the Attorney General is at this moment interrupted, is already decided in a very clear manner both by the general Capitulation granted to Canada on the 8th September 1760, and by the Treaty of Peace which followed it.

The first formally states that all those who have property in that Country shall be maintained as heretofore in the possession of such property as well as of their rights, privileges and prerogatives. The Treaty of Peace since concluded confirms in regard to the King's New Subjects in that quarter what had been granted by the Capitulation, and permits all others, within the space of eighteen months from the day of the Ratification of the Treaty, freely to sell what they possess in the said Country. The question then resolves itself, as far as I am concerned, to enquiring, If I am to be considered a subject of the King and if in that capa-

city, I am to possess what already belonged to me and what I have since acquired.

Without requiring to enumerate the proofs I have given of a special attachment to my new Country, the sole fact of having acquired new possessions in that Country ceded to the Crown of Great Britain, instead of endeavoring to sell those I already had there, manifests the dispositions I entertained to attach myself and mine for ever to it, and consequently I cannot but be comprehended under the denomination of King's Subjects granted to those of Canada by the Treaty.

After having spent eleven consecutive months in fruitless expenses and proceedings I finally succeeded in appearing four weeks ago before a meeting of the Lords Commissioners of Plantations, when Milord Hillsborough, President of that department, put divers questions and objections to me.

That on which he appeared to me most to dwell was that the two Seigniories in question being situated on Lake Champlain, to which His Britannic Majesty had formed pretensions, he did not consider that the Title I derived from His Most Christian Majesty ought to insure me their property. My answer was, that without seeking to discover whether these pretensions were founded or not (a question which it did not become me to agitate,) I presumed to assure him, at least, that they were recent, much more so than the titles which insured me the property of these estates; that, moreover, I did not imagine that His Most Christian Majesty, who has had uninterrupted possession of the Country up to the moment of the conquest in 1759, ought at any time allow himself to be stopped by a single pretension, in the desire he had to grant a part of it, as long as it was in his power, to those of his subjects whom he desired to reward. In fine, supposing everything in the position predicated, 'twas certain that I was possessor of these Estates in good faith; that they cost me much money and trouble; that no individual could come forward of right, to question my property in them; that the King alone opposes to me pretensions which can tend only to establish his right of Sovereignty over that portion before the entire cession of the Country, and not to despoil

one of His subjects in whose favour every thing speaks at this moment, and to whom justice cannot be refused.

If this chapter of pretensions is examined in its entire breadth where will it not lead to? And if the argument that is derived from it be considered invincible, who can assure himself of an inch of land in any country whatsoever as soon as it is conquered? And if treaties which assure the subject the property of his Estates, cannot serve as a barrier, on what is he to stand, and what hereafter is to be done to preserve them?

The Attorney General, who perceives all the consequences of such a principle; who feels how essential and just it is to preserve to every one his right, is requested to give the Lords Commissioners of Plantations to understand that however laudable may be their zeal for the maintainance of the rights of the Crown, it is carried too far when it unnecessarily tends to the ruin of a private Individual. However, if they consider for reasons they doubtless foresee, that His Majesty cannot depart from the original pretensions He has formed to the country, and that my Titles received may affect them, I am too much attached to His Majesty's Interests to object to any new Titles He shall please to grant me *Gratis* for the whole of the same objects, and which reintegrate me in all my rights. I would supplicate him merely to observe my present situation which does not admit of my remaining any longer in London, and to order that I be despatched with the greatest possible promptness. This 15th June 1764.

GRANT IN FAVOUR OF M. HOCQUART OF A TRACT OF LAND ON LAKE CHAMPLAIN. 1743.

This day, twentieth of April One thousand seven hundred and forty three, the King being at Versailles, desirous to treat Sieur Hocquart Intendant of New France graciously and to bestow on him a mark of the satisfaction he entertains of his services, His Majesty has granted to him by tenure of Fief and Seigniory, a tract about one league in front by five leagues in depth, situate in the said Colony on Lake Champlain opposite Fort St. Frederic;

bounded on the West by said Lake, east by unconceded lands, North by a line drawn East and West, and South by a line parallel to this, which two lines form the division of lands to be conceded at a quit rent (*en censives*) in His Majesty's name & for His profit, for the perpetual enjoyment by the said Sieur Hocquart his heirs & assigns of said Tract by tenure of fief & Siegniory, with High, Middle and Low Justice, and Right of Hunting, Fishing and Trading with Indians throughout the extent of said Seigniory without being obliged by reason of this, to pay to His Majesty nor to his Successors, Kings, any duty money as an indemnity whereof, whatever sum it may amount to, His Majesty hath made him a grant and release; On condition to render Fealty and Hommage at the Castle of St. Louis Quebec from which the said Fief will be holden and the other customary services, according to the Custom of Paris observed in the said country, and that the appeals from the Court which will be established there shall be to the Royal Court (*Justice Royale*) of Montreal; on condition also of preserving and causing to be preserved by the Tenants the Timber of all descriptions adapted for the construction of His Majesty's ships; of informing His Majesty of all Mines or Minerals, if any be found in said Concession; to improve it and to hold & cause to be held fire & light there by the Tenants, in default whereof it shall be re-united to His Majesty's Domain; of allowing roads necessary for public convenience and allowing also the beaches free to all Fishermen, except those they may require for their fishing; and in case His Majesty may have use, hereafter, of any portions of said Tract, to erect thereupon Forts, Batteries, Arsenals, Magazines & other public Works, He can take them as well as the trees necessary for said public Works, and the fire wood necessary for the Garrisons of said Forts, without being holden to any compensation: His Majesty willing that the said Concession be subject to the conditions above enumerated without any exception; and In testimony of His Will, He has ordered me to issue the present Brevet which shall be enregistered at the Office of the Superior Council of Quebec, to have such application there as shall appertain, and which He has willed to sign with his hand to be countersigned by me His councillor Secretary of State and

of His Commands and Finances. Signed, LOUIS. and lower down, *Phelippeaux.* Below, the present Brevet has been enregistered in the Registers of the Superior Council of New France, By the King's Attorney General according to the *Arret* of the day, by us, Councillor Secretary of the King, Chief Greffier of said Council, undersigned. At Quebec the 7th October 1743. Signed, DAINE.

[Here follows another Deed, dated 1st April 1745, to the same person of an additional Tract in Seigniory, three leagues in front on Lake Champlain, by five in depth, extending from the North bounds of the former grant, subject to the same burthens and conditions; and a Deed of Sale of the entire "Seigniory Hocquart" to M. Michel Chartier, Seigneur of Lotbiniere &c for the sum of Nine Thousand *livres*—bearing date Paris, 7th April. 1763.]

SITUATION OF THE SEIGNIORY OF ALAINVILLE;

ACCORDING TO M. DE LOTBINIERE'S AFFIDAVIT.

I, undersigned, affirm and declare on oath that the Seigniory of Alainville, four leagues and more in front by five leagues in depth to the West, commences at *La Pointe des habitans* (one league and a half or thereabouts, above the Fort at Pointe a la Chevelure, and on the same side of the River) and that it terminates at *Pointe du Bivac* [Bivouac point] of M. de Contrecour's Camp, the lower point above l'Isle au Mouton near the entrance of the Lake St. Sacrement; that the said Seigniory belongs to me in virtue of the Grant which the Marquis de Vaudreuil made to me dated 15th November of the year One thousand seven hundred & fifty Eight; that this deed of Concession was left, in the original by me in July 1764 with Mr Pownall Secretary of the Board of Trade and the Colonies to be registered in said Office; that Sr Henry Guinaud, my agent in London informed me by letter that the Title deeds deposited by the Honble Mr. Cholmondely on my behalf & by me at the said office had been returned to him all registered.

GOV. MOORE TO THE BOARD OF PLANTATIONS.

[Lond. Doc. XXXIX.]

New York, 7 Nov. 1766.

My Lords—I had the honour of informing your Lordpps in a former letter that I proposed to settle the Boundary line between this Province and Quebec as soon as I could conveniently leave this City, and it was not long before I had an opportunity of doing it, for upon the arrival of Brigadier Carleton from England, I set out in company with him for Lake Champlain, and after encountering with many difficulties occasioned by the badness of the weather, we fixed the limits on the River Sorell about two miles & a half below windmill Point, which is further to the Northward than we imagined to find it from the observations which were said to be made there by the French some few years agoe; upon our arrival at Windmill Point, several French Gentlemen came to us, there from Quebec, as well to pay their compliments to Brigr Carleton, as to request of me the confirmation of their Rights to those Seigneiories, which on our observations should be found in the Southward of the 45th degree, and which were granted to them before the conquest of Canada. To this demand I could make no other answer than, that His Majesty had by his instructions to me laid down such rules for the granting of lands in this Provce that I could not deviate from them without incurring his displeasure, and that the power of confirming what they now requested of me, was not at present lodged in my hands, as I was particularly restrained from granting to any one person more than one thousand acres, whereas they demand confirmation of Grants, some of which consisted of Tracts containing 100,000 acres and others of 150,000 acres; I further informed them that no land was granted in this Provce to any of His Majtys subjects without their paying a quit-rent of two shillings & sixpence sterling to the Crown for each hundred acres, & desired to know if they expected to have their grants confirmed, without paying any such quit-rent; to which they answered in the affirmative, and requested that I

would not grant any lands on the Lake till I had laid their claims before His Majestys Ministers. On the other hand the reduced Officers, and disbanded soldiers, many of whom are now in actual Possession of large Tracts of those Lands, are greatly alarmed at these Claims, and desire to be protected in the Grants made to them by Lieut Govr Colden, as they have vested their whole fortunes in the settlements already begun on them, and must be reduced to beggary, on being dispossessed. I had the honor of informing Mr. Secretary Conway, soon after my arrival at New York from England that Lieut Govr Colden had declined showing me his correspondence with the Secretary of State's Office, & the Board of Trade, which I was desirous of seeing, so that if any orders relative to the French claims have been transmitted they have not yet come to my hands. Your Lordp^ps will see at one view how great a prejudice to the settlement of the Prov^ce the present uncertain tenure must occasion, for several other persons who have obtained His Maj^tys sign manual for large Tracts are desirous of taking them up on the sides of Lake Champlain, and have already gone so far, as to make actual surveys of the Lands, but are now discouraged from proceeding farther, lest after a great expense incurred they might be turned out of possession. I was in hopes that I should have been able to have sent over to your Lordp^ps by this opportunity an actual survey of the Lake taken by a skillful hand, in which all the French claims were to be distinguished, with the number of acres which each of them contained, and likewise the grants made to the Officers and Soldiers, under the great seal of this Prov^ce in consequence of His Maj^tys Proclamation which would have showed at one view how far they interfere with each other. The Deputy Surveyor of Canada, who attended me the whole time I was employed in fixing the line of division between the Provinces, promised to furnish me with an exact draught of all the Seigneuries on the Lake, time enough to transmit to your Lordp^ps by the Packet, but I have not heard from him since my return hither. As this is a matter of very great importance to a considerable number of persons in this Province, whose whole fortunes are vested in these Lands, they have requested me to take the earliest opportunity of laying the state

of their case before your Lordpps and to set forth the distressed situation in which they are at present, that His Majestys pleasure might be known on this head. During my absence from hence, two Packets arrived but as I was at too great a distance, they had sailed again before I heard of their arrival, which I hope will appologize for my not having acknowledged sooner the honor of your Lordpps letter of the 11th July, and the receipt of the queries sent by the same opportunity, which shall be answered with all expedition and in the fullest manner from the best Intelligence I am capable of procuring.

I have the honor to be, ettc.

H. Moore.

LORD HILLSBOROUGH TO SIR H. MOORE.

[Lond. Doc. XLI.]

Whitehall Feb 25th 1768.

Your letter to Lord Shelburne No. 5. which relates to the Claims of His Mâtys Canadian Subjects, to lands on that part of Lake Champlain which is now a part of the Colony of New York, has been referred to the Lords of Trade, & their Lordships having made a Report to His Mâty thereupon, It is His Mâtys Resolution upon the fullest consideration not to allow any claims made upon the grounds of ancient grants from the Government of Canada, to Lands which were never acknowledged to belong of right to the Crown of France.

His Mâty has the most tender Regard to the Rights of His new subjects, & is desirous of giving every proper Testimony of His Attention to their Interests and Welfare, & therefore it is his Mâtys Pleasure, that they should not be disturbed in the peaceable possession of any Tracts so circumstanced, which they may have actually settled & improved, provided they consent to establish their Title by Grants under the seal of the Province of New York, upon the usual Conditions of Quit Rent & Improvement.

LORD HILLSBOROUGH TO SIR H. MOORE.

[N. Y. Council Minutes XXVI; Lond. Doc. XLI.]

Whitehall 13th August 1768.

I have only in Command from His Majesty to send you the inclosed order of His Majesty in Council confirming the Boundary Line between New York & Quebec, as agreed upon and fixed by yourself and Governor Carleton, for the due execution of which Order under the several Limitations and Restrictions contained in it, His Majesty has the fullest Reliance on your Zeal for and Attention to His Service.

[N. Y. Council Minutes XXVI.]

At the Court at St. James the 12th day of August 1768.

Present

The Kings Most Excellent Majesty.

Duke of Grafton	Viscount Falmouth
Duke of Rutland	Viscount Barrington
Duke of Queensbury	Viscount Villiers
Marquis of Granby	Lord North
Earl of Litchfield	James Stuart Mackenzie Esq
Earl of Hillsborough	Thomas Harley Esqr
Earl of Shelburne	Sir Edward Hawke
Viscount Weymouth	

Whereas there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 9th of this Instant, upon considering a Report made by the Lords Commissioners for Trade and Plantations, upon an Extract of a Letter from Sir Henry Moore Governor of New York to the Earl of Shelburne dated the 16th of January last, relative to the setling the Boundary Line between that Province and Quebec: By which Report it appears that it having been mutually agreed upon between Sir Henry Moore and the Commander in Chief of the Province of Quebec, at a Meeting for that purpose appointed, that the Line of Division between

these Provinces should be fixed at the forty-fifth Degree of North Latitude, conformable to the Limits laid down in his Majesty's Proclamation of October 1763, and it having been ascertained and determined by proper Observations where the said line would pass; it is therefore proposed that these Proceedings above stated should be confirmed by His Majesty—His Majesty taking the said Report into Consideration was pleased with the Advice of His privy Council, to approve thereof, and doth hereby confirm the said Proceedings above stated, and order that the said Line of Division be run out and continued as far as each Province respectively extends, Provided that nothing hereinbefore contained, shall extend to affect the Properties of his Majesty's new Subjects, having Possessions under proper Titles, on those parts of the Lands on the South side of this Line, the Dominion of which was not disputed on the part of the Crown of Great Britain; And Provided also, that this Determination shall not operate wholly to deprive his Majesty's New subjects of such Concessions on the South side of the said Line, on which they may have made actual Settlement and Improvement, although the Lands may have been disputed by the Crown of Great Britain; but that such Possessors shall be entitled to so much of the said Concessions, as shall be proportioned to their Improvements, at the rate of fifty Acres for every three Acres of Improvement, provided they take out Grants for the same under the Seal of the Province of New York, subject to the usual Quit rents, and Provided also that the Grant to no one person shall exceed twenty thousand Acres, and the Governors or Commanders in Chief of his Majesty's said Provinces of New York and Quebec for the Time being, and all others whom it may concern, are to take Notice of his Majesty's Pleasure hereby signifyed and govern themselves accordingly.

STEPH: COTTRELL.

SIR H. MOORE TO LORD HILLBOROUGH.

[Lond. Doc. XLI.]

Fort George Oct 24th 1768.

Since my writing the foregoing Letter, I have had an opportunity of laying the order before His Majesty's Council, who are under some difficulties in regard to the construction of the first proviso therein mentioned viz. "Provided that nothing herein contained shall extend to affect the Properties of His Majestys new subjects having possessions under proper titles on those parts of the Lands, on the south side of this Line the Dominion of which was not disputed on the part of the Crown of Great Britain." No line of jurisdiction having ever been settled between this Province & Quebec 'till that which was fixed by General Carleton & myself and approved of by His Majesty, each of the Provinces have endeavored to extend their claims as far as they possibly could. The English to the River St. Lawrence, and the French to the Southward of Lake George: The consequence of which has been that the lands on both sides of Lake Champlain have been granted to the English & French by their respective Governors, as will appear by the Map which I had the honour of transmitting to England & mentioned in my letter No, 6, to the Earl of Shelburne dated 22d of February 1767, & in my letter to the Lords of Trade dated 4th April 1767. Your Lordship will see by these different claims what the difficulties are which we labour under at present, for [there is] no particular Boundary Line fairly drawn between the Provinces, the English claim supported by that which was made before them by the Dutch extended as far as the forty fifth Degree of Latitude. This Line was supposed by the French to be more to the Southward than we found it on observation, & several of their grants in those parts are covered by those since made by Mr. Colden to the reduced officers and Soldiers under His Majestys Proclamation. This will of course open such a scene of litigation, as I am afraid will defeat the expectations of forwarding the se tlements in that part of the Country, to prevent which it is our humble request that His Majestys pleasure might be known how

far to the southward of the 45th Degree any French grants are to be allowed, for they have no settlements to claim under (which I am informed was an absolute condition of their Grant, as they have paid no Quit-Rent) & the quantity of Land in most of their Grants far exceeds that which His Majesty has been pleased to allow to those mentioned in the 2d proviso which was not to exceed 20,000 Acres to each Person where an actual settlement had been.

ADDITIONAL INSTRUCTION

TO OUR TRUSTY AND WELL BELOVED SIR HENRY MOORE BARONET, OUR CAPTAIN GENERAL AND GOVERNOR IN CHIEF OF OUR PROVINCE OF NEW YORK & THE TERRITORIES DEPENDING THEREON IN AMERICA. GIVEN &C. DATED 5 JULY 1769.

[N. Y. Council Minutes XXVI; Lond. Doc. XLII.]

Whereas sundry persons, proprietors under titles derived from the Crown of France when that Crown was in possession of Canada, of lands on that part of Lake Camplain now lying within our Province of New York have humbly represented unto Us that several parts of the said lands so claimed have already been granted to other persons by Letters Patent under the Seal of Our said Province of New-York, and have therefore humbly prayed that a proceeding so prejudicial to their rights and pretensions may receive Our Royal disapprobation; & whereas it appears both just & equitable that the claims of persons under such titles as aforesaid should not be affected without the fullest examination thereof. It is therefore Our Will and Pleasure & you are hereby directed & required in no case to make any grants of lands so claimed, as aforesaid, upon Lake Champlain to the northward of Crown Point, within Our Province of New York, until the petitions & proposals for grants of any part or parts of such lands shall have been transmitted to one of Our principal Secretaries of State, in order to be laid before Us, & until Our approbation thereof shall have signified to you Our said Governor or to the Commander in Chief of Our said Province for the time being.

[N. Y. Council Minutes XXVI.]

At a Council held at Fort George in the City of New York on Wednesday the fourteenth day of August, 1771.

Present His Excellency William Tryon Esqr Capt. Genl. &c.

Mr Watts	Mr Morris	Mr Cruger	Mr White
M^r De Lancey	Mr Smith	Mr Wallace	Mr Axtell

It is Ordered by his Excellency with the advice of the Council that a Proclamation issue Notifying to all Persons holding or laying Claim under Titles derived from the Government of France, while in Possession of Canada, to any Lands upon Lake Champlain Northward of Crown Point, and to the Southward of the forty fifth Degree of Northern Latitude, to transmit unto the Secretary's Office of this Province within three months from the Date thereof, Authentic Exemplifications of the Original Grants, together with satisfactory Evidence of the situation of the Lands therein mentioned, and of the Solidity of the Titles of the Claimants thereof at the time of the Surrender of Canada to the Crown of Great Britain; to the End that the Government of this Province, by being duly apprized thereof, may be enabled to give the Claims under such French Grants, the attention they shall appear to Merit.

[N. Y. Council Min. XXVI.]

In Council; Wednesday, 18 Decr 1771.

Present His Excellency William Tryon Esq. Capt. Gen'l &c.

Mr Horsmanden	M^r DeLancey	Mr Smith	Mr White
Mr Watts	Mr Apthorp	Mr Cruger	Mr Axtell

His Excellency communicated to the Board a Letter of the 30th of October from Lieutenant Governor Cramahe of the Province of Quebec enclosing several papers relative to the French Claims to Lands on Lake Champlain and acquainting his Excellency that he shall by the next Post furnish him with all the Information he has collected relative to the French Grants on that Lake.

His Excellency also communicated to the Board another Letter from Lieutenant Governor Cramahe, dated Quebec Novr 11th acquainting his Excellency that in consequence of his Letter of

the 17th August,[1] he ordered the public Register deposited with the Secretary of the Province to be very exactly searched, and Transmitted him by Mr Marr two Abstracts containing the Grantees Names, those of the new Proprietors that have come to their knowledge, the Dates of the Grants as well as of the Ratifications, and their extent as entered upon those Registers, as well of the Lands granted en Seigneurie as of those granted by the King en Roture—Also Copies under the Great Seal of the Province of all the Kings Edicts and Declarations relative to Grants of Lands which had Force of Law there, that his Excellency might be enabled to Judge of the Justice of such Claims—That by these it appears that the Governor and Intendant, or in Case of their Death or Absence those who executed their respective offices, had the power of granting Lands to be ratified by the King within Twelve Months, and that they likewise were the sole Judges in case of a reunion to the Demesne, where the Grantees had not complyed with the Conditions of their Grants, which however never took place till after a Solemn Hearing upon a legal Process before those Officers at the instance of the King's Attorney General—That among the Papers transmitted under the Great Seal of the Province is a Sentence of Reunion of Several Grants upon Lake Champlain dated 10th May 1741 by the then Governor Beauharnois and Intendant Hocquart, since which time there does not appear upon the Registers, altho' very complete, a single reunion of any Grant in those Parts; & therefore that all Grants precedent thereto, and not comprehended therein, are thereby confirmed—and after several observations respecting two Grants to Monsieur Foucault purchased by General Murray; On the Title of Mademoiselle de Ramzay—On the Grant of Monsieur De Beaujeu Villemonde—And the two Grants to Monsieur Hocquart, purchased by Monsieur de Lotbiniere, further acquainting his Excellency that the Canadian Grantees, Trust his Excellency will be pleased to consider the Possession of their Estates with all the Immunities thereunto annexed, was secured to them by the capitulation of Montreal, and the Treaty of Paris—That the King's

1 Forwarding Proclamation mentioned in the preceding entry, dated, 14 Augt. 1771.

Old Subjects who under the Faith thereof became considerable purchasers of their Estates, Hope and doubt not his Excellency will pay a due attention to their just Rights, and that all expect so serious a matter of so much Consequence to themselves and Families, will be carefully weighed and sufficient Time given them to adduce such proofs as in Honour and Justice may be required of them.

In Council; Thursday 31st day of Decembr 1771.

Present His Excellency Govr Tryon and the other Members of Council as last mentioned, except Mr Apthorp absent, and Mr Wallace who is present.

His Excellency laid before the Board the following Writings and Papers which had been transmitted from the Province of Quebec in pursuance of the late Proclamation relating to the French Claims to Lands within this Government, on the banks of Lake Champlain.

1st. An Exemplification under the Seal of Quebec of the Order of the French King authorizing the Grant of Lands in Canada dated 20th May 1676.

2dly. An Exemplification of his Arret in Council directing that the Lands Granted be cultivated by the Inhabitants, dated 6th July, 1711.

3dly. An Exemplification of the French King's Declaration concerning the Grants in Canada, dated 17th July 1743, & an Explanatory Order dated 19th June 1748.

4thly. An Exemplification of an Arret in Council of the 15th March 1732.

5thly. Of an Ordinance of the Governor and Intendant of 10th May 1741. for a Reunion of divers Seigniories to the Demesnes of the French Crown.

6thly. Certificate from the French List of the Lands Granted en Seigneurie on Lake Champlain North of Crown Point dated at Quebec 28th October 1771, and signed Geo. Alsop Clerk of the Enrolments.

556.a

Carte du Lac Champlain *Depuis le fort Chambly jusqu'au fort St. frederic Levée Par le Sr Anger arpenteur du Roy en 1732 fait à Quebec le 10 Octobere 1748 Signé de Lery.*

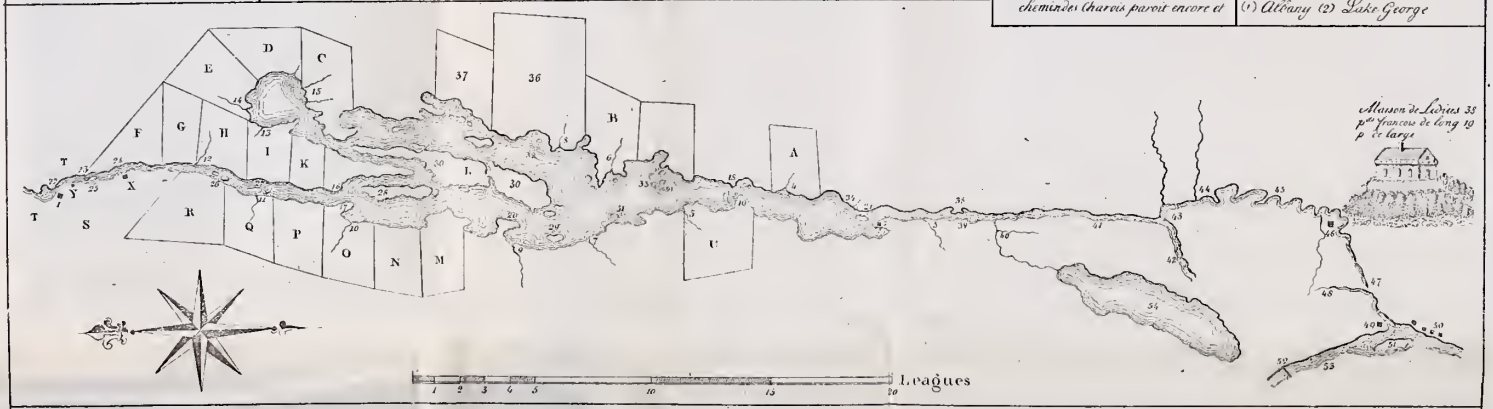
A Mr Contrecoeur fils
B Mr de la Periere
C Mr de Beauvais fils
D Mr Lusignan
E Mr Daine
F Mr Bleury
G Mr Sabrevois
H Mr de Noyau
I Mr fauteaut
K Mr la fontaine
L Mr Contrecoeur
M Mr St Vincent fils
N Mr la Gauchetiere
O Mr Pean

P Mr Beaujeu
Q Mr la Ronde
R Mr de Lery
S Mr Longueil
TT Mrs Hertelle
U Mr Robert
X fort St Jean
Y ft St Therese
1 ft Chambly
2 ft St frederic
3 Riviere à la Barbue
4 Rt aux Loutres
5 R. Boquette
6 R. Ouinousqui
7 R. au Sable

8 Riviere à la Mouelle
9 R. St Amant
10 R. Chasy
11 R. à la Cole
12 R. du Sud
13 R. du Brochette
14 R. du Rocher
15 R. Michiscouy
16 Pt à l'algonquin
17 Pt au feu
18 Pt à Platre
19 Rocher fendu
20 Cap Scononton
21 Pt à la Chevelure
22 Rapide de Chambly

23 Rapide St Therese
24 Rapide St Jean
25 Isle St Therese
26 Isle aux Noix
27 Isle aux Tetes
28 Isle la Motte
29 Isle Valeour
30 la Grande isle
31 Isle aux Chapons
32 Isle à la Couverte
33 les Isles de 4 Vents
34 Isle aux Boiveux
35 la Baye
36 Mr Raimbault
37 Mr Douville

38 Presqu'Isle
39 Pointe aux Gravois
40 Saut de 30 Pd du L. St Sacrement
41 Entrée du Grand Marais.
42 Grand-Baye
43 Petit Sault
44 La fourche
45 Riviere du Chicot
46 fort la Reine que les anglois avoient fait en 1711 ouils avoient contruit des battraux et Piroques pour prendre le Canada, lequel fort ils brulerent apres la perte de leurs vaiseaux.
47 Grand Portage de 4 lieues dont le chemin des charois paroit encore et les Ponts que les Anglois avoient construits pour passer les vaisseaux la voye des charois avoit 3 Pieds 4 pouces de notre mesure
48 Hauteur des Terres
49 Maison de Lidius
50 Quatre habitans Anglois
51 Isle
52 Chute de Quatrevingt Pds
53 Riviere d'Orange par laquelle on peut se rendre en Cinq heure a la ville d'orange (1) qui n'en est éloignée que de Quinze lieues sur le bord de la riviere qui est fort Rapide et fort belle
54 Lac St Sacrement (2)
(1) Albany (2) Lake George



Map of Lake Champlain *from the fort Chambly to fort St frederic or Crown point, Surveyd by Mr Anger Kings Surveyor in 1732, Made at Quebec the 10 October 1748, Signed, de Lery.*

Nams of the Seigneuri.
A Mr Contre Coeur Junior
B Mr de la Periere
C Mr de Brauvois Junior
D Mr Lusignan
E Mr Daine
F Mr Bleury
G Mr Sabrevois
H Mr de Noyau
I Mr fauteaut
K Mr Lafontaine
L Mr Contrecoeur
M Mr St Vincent Junior
N Mr La Gauchetiere
O Mr Pean
P Mr Beaujeu
Q Mr La Ronde
R Mr de Lery
S Mr Longueil

T Mrs Hertelle
U Mr Robert
X Fort St Jean
Y fort St Therese
1 fort Chambly
2 fort St frederic
3 Riviere a la Barbue
4 R. aux Loutres
5 R. Boquette
6 R. Ouinousqui
7 R. au Sable
8 R. a la Mouelle
9 R. St Amant
10 R. Chasy
11 R. a la Cole
12 R. du Sud
13 R. du Brochette
14 R. du Rocher.

15 Riviere Michiscouy
16 Pt a l'algonquin
17 Pt au feu
18 Pt a Platre
19 Rogers fendu
20 Cape Scononton
21 Pt a la Chevelure
22 Rapide de Chambly
23 Rapide St Therese
24 Rapide St Jean
25 Isle St Therese
26 Isle aux Noix
27 Isle aux Tetes
28 Isle la Motte
29 Isle Valeour
30 La Grande Isle
31 Isle aux Chapons
32 Isle a la Couverte

33 les Isle des 4 Vents
34 Isles aux Boiveux
35 La Baye
36 Mr Raimbault
37 Mr Douville
38 Presquisle
39 Pointe aux Graveur
40 Sault de 30 Pds de la St Sacrement
41 Entree du Grand Marais
42 Grande Baye
43 Petit Sault
44 La fourche
45 Reviere du Chicot
46 Fort la Reine (Queensfort) Erected by the English in 1711 Where they had built the Boats and Piroques for the expedition against Canada which fort they burnt after the loss of their Ships.
47 Great Carrying Place of four leagues Which Road is still fen and the Briges which the English had built for passing the Vessels the way had three fort four in his french measure
48 Hauteur des Terre
49 Maisen de Lidius
50 four English Settlement
51 Island
52 fall of 80 feet
53 Orange River or Hudsons River by which one may go in five hour to Albany being not further than fifteen league, albany lies on the Banks of the River has a swift stream and is very pretty.
54 Lake George.

Pease Lith Albany

7thly. A like Certificate of the Lands granted en Roture or in Soccage to the Southward of the 45th degree of North Latitude.

8thly. Copies of the Concession and Ratification to Daniel Lienard de Beaujeu Junr of the 6th March 1752 and 1st June 1763 mentioned in the said List of Seigniories & Certified under the hand of said Geo. Alsop.

9thly. Copies Certified in like manner of the Concession and Ratification to Antoine Bedout mentioned in said List of Seigneuries.

10thly. Copies Under a like Certificate of the Concession and Ratification in the said List to Nicholas Berré Le Vasseur.

11th. Copies Certified in like Manner of the Concession and Ratification in the said List to Francis Daine.

12th. Copies of a Concession by the King to Monsieur Giles Hoquart Intendant, dated 20th April 1743, and of a like Concession to the same on 1st April 1745, and of a Contract and Sale thereof certified by Pierre Meziere and Pierre Panet, Notaries, who are Certified to be Notaries at Quebec by John Collins a Justice of the Peace 21st September, 1771.

13th. Copy of a Memorial to the Lieutenant Governor of Quebec by Lewis Lienard de Beaujeu de Villemonde dated 15th October 1771. representing that he had a Grant of a Seigneurie dated 20th July 1755 but that the Ratification was lost in 1756 and praying his Intercession with the Governor of New York for further Time to produce it than is prescribed by the New York Proclamation of August last.

14th. A Copy of a Notarial Certificate of the Sale of the Seigneurie mentioned in the said List to be Granted to Pierre Raimbault made by his Heirs to Benjamin Price and others Certified by the said George Alsop 15 August 1771.

15th. A Map of the French Grants on Lake Champlain from Fort Chambly to Crown Point Surveyed by Mr Anger dated 10th October 1748 and signed de Lery.

16th. Mr. Cramahe's Letter to his Excellency dated 11th Decr 1771.

Upon which his Excellency desired the opinion of the Council on the Measures proper to be pursued as well with Respect to the

Lands granted upon Lake Champlain, as to new applications for Patents in that part of the Country, and it was thereupon Ordered that the said Writings be referred to the Gentlemen of the Council, or any five of them.

ORDINANCE

OF THE GOVERNOR AND INTENDANT OF NEW FRANCE REUNITING TO HIS MAJESTY'S DOMAIN ALL SEIGNIORIES NOT IMPROVED. 10 MAY 1741.

[MSS. relating to French Claims, &c., in Sec's. Off.]

Charles Marquis de Beauharnois &c.
Gilles Hocquart &c.

At the Superior Council of Quebec, Between the Kings Attorney General. Pltff in his suit of the 20 Feby last on the one side;

And Sieurs . . . Pean, Major of the Town and Castle of Quebec . . . St Vincent Ensign of Foot, De Beauvais Junr., De Contrecour Capt. of Infantry; De Contrecour Junr. Ensign, and La Perriere Capt. of sd. Troops . . . Lafontaine, Councillor in sd. Superior Council . . . Roebert Kings Store Keeper at Montreal . . . All the above named Grantees of Lands on . . . . . Lake Champlain Defts and cited the sixth and eleventh of March last and the ninth of the present month: and Sieurs Douville . . . and De la Gauchetiere Defts and defaulters through lack of appearance either personally or by attorney on the summons which was served on them the eleventh of said Month of March by the Huissier Decoste, on the other side.[1]

Having seen the suit of the King's Attorney General demanding for reasons therein contained, that We would be pleased to permit him to cause to be summoned the said Sieurs above mentioned to be and appear before us at the Castle St Louis of Quebec within the delays of the ordonnance to direct and order, that they having failed to have cultivated & improved the lands granted to them in Seigniory and to have placed and settled inhabitants thereon according to the terms of the Arrets of the King's Council of State of the sixth July 1711. and fifteenth March 1732 and within the time specified therein, they shall be and remain reunited to His Majesty's Domain in this country; The answers of the said Defend^ts. present by which . . . Sieur Pean states that he

1 So much of this Record only is given as applies to Grants on Lake Champlain and south of Line 45.

could not find any farmer, up to this time, to place on his Seigniory, that if he should find any he is ready to furnish them with axes and picks, for clearing, with one year's provisions; that he will continue to look for them; that he will do his best to find some and that he intends to form a demesne there. . . Another answer of Sieur Estebe appearing as above, by which he says that Sieur St Vincent is actually detached as Commander of the post of Ouyatanous, that he already made several grants on his Seigniory, namely to a habitant of the Cote de Beaupré; that the said Sieur St Vincent told him before his departure that he intended immediately establishing a demesne there, the said Sieur Estebe moreover requesting in his name, that a sufficient delay be granted him, in consequence of said Sieur St Vincent's absence on the King's Service. . . . . A writing without date intituled a Summary Remonstrance furnished to Us by the Sieurs de Contrecour, Father & Son, & La Perriere covenanting by the said Sieur Pean, in which they set forth among other things that they have done every thing to settle their grants; that it was impossible to find individuals willing to accept lands though they offered them some on very advantageous terms and were willing to give even Three hundred livres to engage the said individuals; that the said Contrecoeur, Senr. has rendered Fealty & Hommage for said Seigniory and that he, as well as said Sieurs La Perriere & Contrecoeur, Junior has been subjected to various expenses; that they intend, moreover, to do all in their power to find farmers to settle said Seigniories and they hope to succeed therein; requesting Us that we would please to grant them a delay on the offers which they make to conform themselves herein to His Majesty's intentions. . . . Another writing of Sieur La Fontaine not dated, and signed by him . . . whereby he offers with our permission to go this summer on the Grant with three men to build there, and begin clearances and to give to those whom he will find willing to settle there, Grain and even money, asking from them no rent, in order to obtain from them by the allurement of this gift what he cannot obtain from them by force; a writing of Sieur Roebert . . . also not dated in which he says that at the time his Grant was made him, he set M. Janvrin Dufresne, sworn Surveyor,

with six men to measure, survey and define the said Grant who occupied forty days in their voyage & that this expense amounted to Seven hundred *livres*, ten *sous* according to the certificate of said Dufresne which he presents, and that he has neglected nothing to induce some young farmers to go and settle there by procuring for them great advantages and many facilities, concluding for these reasons We may grant him delay to allow him to satisfy His Majesty's intentions; Seeing likewise His Majesty ordinances dated 6, July 1711 and 15th March 1732 and His orders addressed to Us last year wherein He orders Us very expressly to proceed with the reunion to His Domain of the Lands formerly and recently Granted in default of the Proprietors thereof having fulfilled the conditions set forth in their Deeds: We grounding ourselves on the requisition of the King's Attorney General HAVE REUNITED AND DO REUNITE to His Majesty's Domain the Lands following, to wit:

That granted on the 10th of April of the year 1733 to Sieur Pean two leagues or two leagues & a half in front by three in depth along the River Chambly and Lake Champlain together with the River Chazy included therein and Isle à la Motte; . . . that granted to Sieur St. Vincent on 12th April 1733 two leagues in front by three leagues in depth on Lake Champlain;[1] Another to Sieur de Beauvais on 20th July 1734 two leagues in front by three leagues in depth on Lake Champlain together with the peninsula which is found to be in front of said land; Another conceded on 7th July of the same year 1734 to Sieur Contrecoeur *fils*, on the borders of Lake Champlain beginning at the mouth of the *Rivière aux Loutres* [Otter River] one league and a half above and one league and a half below, making two leagues in front by three in depth together with so much of said *Rivière aux Loutres* as is found included therein with three Islands or Islets which are in front of said Concession and depend thereon; another granted to Sieur de la Perriere on the border of Lake Champlain beginning at the Mouth of the River Ouynouski one league above and one league below making two leagues front by three leagues in depth with the extent of said River which will

1 Now the town of Champlain, Clinton Co.

be found comprehended therein together with the Islands and Battures adjacent; . . . . that granted the 5th April 1733 to Sieur Lafontaine being five quarters of a league in front on the River Chambly by the depth that may be found to the Bay of Missiskouy;[1] that conceded on the 13th June 1737 to Sieur Roebert, three leagues front by two leagues in depth on the West side of Lake Champlain, taking, in going down, one league below the River Boquet and in going up two leagues and a half above said River.[2] Wherefore We have declared all the Grantees above named deprived of all rights and property over these Lands, and yet having in no wise regard to the representations made by any of the said Defendts We reserve to Ourselves, under His Majesty's good pleasure, to grant new Patents of the same lands to those of the Defendants who shall prove within a year to Us, that they have seriously and by real outlays and labour improved a notable portion of said Lands, or placed Settlers thereupon during the course of this year, such time having elapsed, by virtue and Execution of these presents and without others being necessary the said Lands shall be conceded to whom and as it shall appertain: We grant default against Sieur Douville . . . . . and for benefit, We have declared the present Judgment Common, for the lands equally conceded to them, to wit, to Sieur Douville, that granted to him the eight October 1736 two leagues front by three leagues deep on the East side of Lake Champlain . . . . . and finally that granted to Sieur La Gauchetière the 20th of April of the year 1733 of two leagues front by three leagues deep on said Lake Champlain.[3] We order &c. Done at the Castle St. Louis of Quebec the tenth May 1741. Signed Beauharnois & Hocquart; Countersigned and Sealed.

For Copy. HOCQUART.

1 Qu.? Town of Alburg, Vt.

2 Now the town of Essex and greater part of the town of Wellsborough, Essex county, N. Y.

3 Now the town of Chazy, Clinton County, N. Y.

GRANT OF THE SEIGNIORY BEDOU, ON THE RIVER CHAZY. 1 NOV. 1752.

[From the Same.]

The Marquis Duquesne &c.
Francis Bigot &c.

On the Petition to us presented by Sieur Bedou, Councellor in the Superior Council of Quebec to the effect that We would be pleased to grant him a Tract two leagues or two leagues and a half front by three leagues in depth along the River Chambly and Lake Champlain with the River Chazy included therein, the front of said Tract to extend from the bounds of the Seigniory recently conceded to Sieur de Beaujeu to a league from the mouth of the River Chazy on the South side, with the part of the River Chazy which will be found within the extent of said land ; which will be bounded by a line North and South passing by the mouth of said River Chazy, by three leagues in depth, and, besides, all the said land which will be found beyond the said line on the River Chambly and Lake Champlain and Isle à la Mothe that is opposite in the said Lake, which Tract was heretofore granted to the late M. Pean in his life time Major of Quebec and reunited to the Kings Domain by an Ordinance of Messrs de Beauharnois & Hocquart dated 10. May 1741. All by tenure of Fief and Seigniory with Right of High, Middle & low Justice, rights of Hunting, Fishing and the Indian trade as well in front of, as within said Tract. We in virtue of the power granted to Us by His Majesty have given granted and conceded to said Sieur Bedou the said Tract of land as and in the manner it is above described, which shall be bounded on the North & South by two lines drawn East & West in front by the River Chambly and Lake Champlain, and in depth three leagues joining the nonconceded lands by a line drawn North & South parallel to that which shall pass the mouth of the River Chazy and, besides, the Island called *à la Mothe* which is opposite the said Tract in Lake Champlain, to possess it by himself his heirs and assigns in perpetuity and for ever by the tenure

of Fief & Seigniory with High Middle and Low Justice, with privileges of Fishing, Hunting and the Indian Trade throughout the whole extent of said Tract, on condition of rendering Fealty & Hommage at the Castle of St Louis of Quebec from which he will hold with the usual duties and charges according to the custom of Paris followed in this Country, of preserving & causing to be preserved by his Tenants the Oak timber fit for building King's Ships, of giving His Majesty all Mines Minerals &c. &c. &c.

[The remainder of this Patent is in terms similar to that already inserted p. 544. The grant was ratified by the King of France 18th June 1753. The Seigniory was afterward made over by the proprietor on 2nd May 1754 to Daniel Lienard Sieur de Beaujeu, who had a Seigniory adjoining immediately North.]

TO HIS EXCELLENCY HECTOR THEOPHILE CRAMAHE Esqr.

LIEUTENANT GOVERNOUR AND COMMANDER IN CHIEF OF THE PROVINCES OF QUEBEC &c &c.

Respectfully Sheweth—Louis Lienard de Beaujeu de Villemonde Chevalier de St. Louis, covenanting for him & in his name Francois Joseph Cugnet Seigneur de St. Etienne, who has the honour most respectfully to Represent to your Excellency that there was granted to him on the 20 July 1755 by Messrs de Vaudreuil and Bigot Governor General and Intendant, in compensation of his Military Services, the Concession of a Seigniory, situated on Lake Champlain part of which is found by the new Line to be within the Province of New York, extending from the bounds of the Seigniory granted and conceded in 1744 to Guillaume Estebe proceeding Eastward to the River *Senerindac* the said River included, forming about four leagues front by as many in depth, together with the Isles & Islets which might happen to be in front of the said tract. And as it is the Petitioner's interest to preserve the said Seigniory which is the only property remaining to him after the losses he has experienced by the misfortunes of the War, he has recourse to your Excellency's Clemency and asks of him the favor to be so good as to

interest himself in his behalf with His Excellency the Governour of New York who has been so good as to admit the Canadians to represent to him their Titles to the said grants, in the Gracious disposition in which he is to do them Justice, in order to obtain a longer delay than he has granted by his Proclamation of the 20th August last to represent His Most Christian Majesty's Ratification of said Grant, copy of which he has ordered from his brother at Paris, and which he will only receive in the course of next year, that Ratification having been lost in the Brigantine *les Deux Frères*, Capt. Dufycharest captured by the English in 1756; and to be able also to shew that it was impossible for him to have kept fire & light there at the time, and as prescribed by said Deed of Concession, because being a Military Man he left in the same year 1756 to command a Post in the Upper Country by the orders of the Governor General, an absence which has rendered him not only unable to improve and establish his said Seigniory and to have fire and light kept there according to the terms of his title but even to solicit the Intendant to apply to the Court of France for Copy of the Ratification of his Grant. the original of which had been lost; and he has not been able since the Definitive Treaty of Peace, to establish said Seigniory, it being notorious that he has not returned to this Province until the month of August 1769. And in fine he could not send the title of his Concession to New York to be there enregistered since his arrival in this Province, on account of the considerable expense that Envoy would have occasioned him. He dares flatter himself that you will be favorable to him and he will not cease to offer his prayers to Heaven for your Excellency's preservation

Quebec 15th Octobr 1771.

DEED OF SALE OF THE SEIGNIORY OF LA MANAUDIERE

ON THE EAST SIDE OF LAKE CHAMPLAIN, 27th SEPTEMBER 1766

[From the same.]

Before the undersigned Notaries residing in the City of Montreal in the Province of Quebec, appeared Sieur Jean Marie Raimbault and Dame Louise De Montigny his Wife whom he duely

authorized, and Demoiselle L^se^ Raimbault his daughter of age, living at the *Cote de la Montagne* near this City of Montreal acting as well for themselves as for Sieur Claude Raimbault their brother absent from this Province for whom they render themselves guaranty & security; Who have by these Presents voluntarily sold, ceded and transported from now and forever, promised & promising jointly as well in their names as in those of their Executors, Administrators, Heirs and Assigns to guarantee from all Troubles, Grants, Doweries, Debts, Mortgages and other Burthens in general whatsoever, except solely the Troubles and Hindrances which may be caused on the part of Governments, unto Benjamin Price Esq. Daniel Robertson Esq. and John Livingston Esqr the said Sieurs Robertson & Livingston purchasers, present at and accepting as well for themselves as for said Sieur Price, their Executors Administrators & Assigns, a Seigniory called *La Manaudiere* situated on Lake Champlain on the East Side, containing four leagues front by five leagues deep, the said four Leagues commencing in descending the Lake, from the Bounds of the Seigniory granted to Sieur La Perriere on the sixth of July One thousand seven hundred and thirty four, in which is included the River called *A la Mouelle*, with the Isles, Islets, and Battures adjacent, with the Privilege of High, Low and Middle Justice, Rights of Hunting, Fishing and Indian Trade and the Rights and Prerogatives annexed to said Seigniory without any Exception whatsoever, nothing being reserved nor retarded by the said Sellers to whom the said Seigniory belongs as sole heirs of the late M. Pierre Raimbault their Father in his life time Lieut: General for His Most Christian Majesty of the Jurisdiction of this City, to which said Sieur Raimbault the said Seigniory belonged by Grant to him made by His said Most Christian Majesty according to the Patent of Ratification of the thirtieth of April One thousand seven hundred & thirty seven duly enregistered at the Superior Council of Quebec, formal conveyance whereof the said Sellers promise to immediately give the said Purchasers: The Present Sale made on condition that the said Purchasers pay from this day and render to the Domain of His Majesty, our Most Sovereign Lord the King of Great Britain all the Rights and Duties for

which the said Seigniory is bound to Him ; and besides give the price and sum of Ninety Thousand *livres* current Money of this Province half of which in gold and silver Specie and the other half in Merchandize at the prices current in this City, which the said Sellers acknowledge and Confess to have now received from the said Purchasers; The said Sieurs Robertson & Livingston Declaring that three-fourths of the said Seigniory will belong to them and the other fourth will belong to said Sieur Benjamin Price—in consequence whereof the said Sellers consent that said Purchasers enjoy, do with, and dispose of, the said Seigniory and its Dependancies, as to them will seem good and enter therein in good Seizin and infeoffment. For thus &c. Promising &c. Obliging &c. Renouncing &c. Done and Executed in the said Montreal in the Year One Thousand seven hundred & sixty six, the twenty seventh of September after noon ; and the Sellers have Signed and Sealed these Presents with the said Sieurs Robertson & Livingston, acting for the said Sieur Price, after reading being done.

Signed { RAIMBAULT (LS)
LOUISE MONTIGNY RAIMBAULT (LS.)
LOUISE RAIMBAULT (LS.)

Signed, Sealed & delivered in presence of { JOHN LIVINGSTON (LS.)
DAN'L ROBERTSON (LS.)

Signed { PRE PANET, FR. SIMONNET } Not^s

Quebec, 27. July 1767.

Received from Benjamin Price, Daniel Bobertson and John Livingstone Esquire the sum of Twelve Pounds, Lawful Money of this Province for the *Droit de Quint* or Mutation fine for the Seigniory called *La Manaudiere* situate on the East side of Lake Champlain, joining on a Seigniory granted to M La Perriere by the French King 6 July 1764, purchased by them of Jean Marie Raimbault, Louise Montigny his Wife & Louise Raimbault of Montreal as specified in the Contract of Sale, signed by the parties the 27th of September last, having remitted to the said Purchasers one Third, pursuant to the Ancient Custom of this Colony, and by which I have put the same Benjamin Price, Daniel Robertson and

John Livingston Esquires in good Possession and Seizing of the said Seigniory, they having for that effect paid the fine due to His Majesty. Signed

THOMAS MILLS, Rr GENl.

The above and foregoing are true Copies of a Deed of Sale of the Seigniory called La Manaudière[1] and of the Receipt for the Droit de Quint, as taken from the French Register Letter E. pages 313 & 358. in my office.

Given under my hand at Quebec this
15th August 1771.

GEO. ALLSOPP Dy Regr
& Clk of Enrolments.

[N. Y. Council Minutes, XXVI.]

At a Council held at Fort George in the city of New York, on Monday the sixth day of January 1772.

Present His Excellency William Tryon Esq. Captain General &ca.

Mr Watts	Mr Morris	Mr Cruger	Mr White
Mr Apthorp	Mr Smith	Mr Wallace	Mr Axtell

Mr. Smith from the Committee to whom by Order of the 31st ultimo was referred the Papers relative to the French claims to Lands on Lake Champlain presented to His Excellency the Committee's Report thereupon, which being Read was on the Question being put agreed to and approved of, and Ordered to be entered in the Minutes and is as follows:—

REPORT OF THE COMMITTEE ON THE SUBJECT OF THE FRENCH CLAIMS TO LANDS ON LAKE CHAMPLAIN.

May it please your Excellency:

The Committee to whom were referred the several Writings lately transmitted (in pursuance of your Proclamation) from the Province of Quebec relative to the French Claims to Lands within this Government humbly Report

That soon after his Majesty was pleased by his Royal Procla-

1. The present Town of Burlington, Vt., is situated on part of the above Seigniory.

mation of the 7th October 1763 to declare the 45th Degree of Northern Latitude to be the Boundary between this and the Province of Quebec, divers Tracts of Land were granted under the Great seal of this Province to the Northward of Crown Point on both sides of Lake Champlain, and chiefly to the reduced Officers and Soldiers claiming his Majesty's Bounty Graciously promised by that Proclamation.

That Sir Henry Moore and Mr Carlton the Governors of the two Provinces fixed the place of the Latitude of 45, by actual observation near the North end of the Lake in the Month of September 1767, and that on the 12th August 1768 his Majesty was pleased to declare his Approbation in Privy Council, and to direct in favour of his New Canadian Subjects that nothing in the Order of that Date contained should affect the property of such as had possessions under proper Titles in Lands on the South side of the Line, the Dominion of which was not disputed on the part of the Crown of Great Britain; And that the said Determination should not operate wholly to deprive them of such Concessions on the South side of said Line, whereon they had made actual settlements and Improvements, altho' the said Line might have been disputed by the Crown of Great Britain, but proportioned to their Improvements at the Rate of 50 acres for every three that were improved, with the Provisoe that Grants should be sued out under the seal of New York, Subject to the usual Quit Rents, and that a Grant to one Person should not exceed 20,000 acres.

The Committee have examined the Council Books and cannot discover that the Government of Quebec ever gave the least Intimation to this Province of any French Grants upon Lake Champlain, neither before nor after the said Order of August 1768 until excited thereunto by your Excellency's late proclamation, nor is there an Entry to be found of any Notification of such Claim by Private persons, nor even of an application for any grant or Confirmation under this Government for Lands Granted in Canada before the surrender of that Country.

The Committee therefore conceive that it was a natural and reasonable presumption either that there were no such French Grants or that the Grantees and their Assigns considered them as

invalid and perhaps forfeited to the French Crown before the Conquest or that they declined the acceptance of British Confirmations subject to Quit Rents and new Patent Charges, intending to set themselves up as sufficient under the Capitulation Articles in the Courts of Law, upon the supposition that they were within the Ancient Dominions of the Crown of France, and agreeable thereto this Government began again to Grant Lands in that Quarter, and continued the practice until Your Excellency was pleased to communicate to the Council his Majestys 50th Instruction prohibiting Patents for Lands to the Northward of Crown Point, claimed under French Titles, and if the late Grants of this Province are detrimental to those Claimants, the Committee are of Opinion that the Blame falls upon themselves, as it is owing to their neglecting to give the Information naturally to be expected, if they intended to submit to and take advantage of the Royal order of the 12th August 1768.

The Committee observe that among the Papers now transmitted from Quebec, there are no French Concessions and Ratifications for any of the Lands mentioned in the List of those said to be Granted en Roture, nor for several of those in the List of the Seigneuries, besides those specified in Mr Cramahe's Letter to your Excellency, nor is there a single petition sent or preferred by either of those Claimants for a Confirmation under this Province of any of their Grants, which is the more extraordinary as Your Excellency's Proclamation required a full exhibition of their Titles, and the Crown is greatly interested in the Question concerning the Validity of the French Claims in the Articles both of Quit Rents and Escheats, their pretentions extending not only to a vast Quantity of Land, but to Lands the more valuable for their Contiguity to the Forts and Passes, and the Navigable Waters of the Lake: and from the whole we conjecture that this Conduct is owing to their adopting an Opinion which deserves a serious attention to wit:

That the Lands they Claim are situated to the Northward of the Antient British Claim, and that consequently they can maintain a Title under the Surrender without the aid of the Crown, and free from the usual Reservations, Restrictions, Conditions, and Quit Rents.

With respect therefore to the Lands Southward of Crown Point, and to those to the Northward of that Fort, not within the Limits of the French Grants, we are of Opinion that your Excellency may issue Patents for them as Lands to which the 50th Article of the Royal Instructions has clearly no Relation.

Nor do we think that Article ought to be considered to prohibit the Grant of those Tracts to which no French Concessions or Ratifications appear to be transmitted from Quebec, nor any Excuse assigned for not laying them before this Government pursuant to the late Proclamation, it being very plain from the Instruction that it was intended to restrain only new Patents for Lands before claimed by Titles derived from the French King, and prior to the Surrender of Canada and as clear that it was the indispensable Duty of all such Claimants in Justice to the Crown to give due Notice of their Claims.

But in due deference to his Majesty's authority, we advise as to the Lands to the Northward of Crown Point, and included by the Concessions & Ratifications lately notified to this Government, that all Petitions for them or any part of them be sent Home, together with Copies of the French Grants for His Majesty's Royal consideration.

Several points of Enquiry will arise upon those Grants, concerning which the Committee chuse not to decide, on account of their singular Importance and Delicacy.

1st. Whether a Title, if good under the French Government will by the Surrender be valid by our Laws, without the Royal Confirmation; or in other Words whether the Capitulation gives more to the French Grantee, than an Equitable Right to be preferred before others in the Application for a new Grant?

2ndly. Whether those Lands were not forfeited to the Crown of France by the Conditions in the Grants before the Surrender, and so became thereby transferred to his Majesty? And

3rdly. Whether they were not within the Antient British Claim and consequently never Grantable by the Crown of France?

And upon this last Question the Committee beg Leave to remark that the British Claim of Dominion before the last War, extended

to the Southerly Bank of the River St. Lawrence, and by Treaty to all the Country of the Six Nations in particular, of which the controverted Grants are a part, and we find that so early as the 3rd of September 1696, a patent did pass to Godfrey Dellius, under the Seal of this Province, for Lands including some of those now claimed under the Canadian Grants, greatly to the Northward of Crown Point, of which the French were not possessed till nearly forty years afterwards, to wit about the year 1731, and whether it is imputable to the Consciousness in the French of their want of Title or to any other Cause, the Committee cant help observing to your Excellency that in Fact very few Settlements or Improvements were found upon any of those Canadian Grants, except about the French Forts at or since the Conclusion of the last Peace; the Country near Lake Champlain, but for the late Settlements under this Colony, being in general in a wild and uncultivated State.

And as it may be of essential Moment to the reduced Officers and soldiers and others who have seated themselves in that District that his Majesty be fully informed of the numerous Patents that have passed the Seal of this Colony since the acquisition of Canada, we recommend it to your Excellency to order the Surveyor General to frame a Map exhibiting the French Grants and English Patents to the Northward of Crown Point, to be laid before his Majesty with all convenient speed, with a List of the Patentees and an account of the Quantity of Land contained in their Patents and the Quitrents they are chargeable with. And for the security and satisfaction of the French Grantees, we also advise that in the Interim the several papers referred to us, be filed in the Secretarys Office, and a Copy of this Report and the Order to be made thereon transmitted to the Commander in Chief of Quebec. All which is nevertheless most humbly submitted by your Excellency's

Most obedt humble servants,

Council Chamber at Fort George, in New York January 6th 1772.

By order of the Committee,

Wm Smith, Chairman.

And thereupon It is ordered by his Excellency the Governor with the advice of the Council, that the Surveyor General of this

Province do frame a Map exhibiting the French Grants, and the Patents which have passed the seal of this Colony to the Northward of Crown Point, in order to be laid before his Majesty, with a List of the Patentees, and an account of the Quantity of Land contained in their Patents, and the Quit rents they are chargeable with. That the several papers referred to in the Report of the Committee be filed in the Secretary's office, and that a Copy of the said Report and of this Order be prepared in order to be transmitted to the Commander in Chief of Quebec.

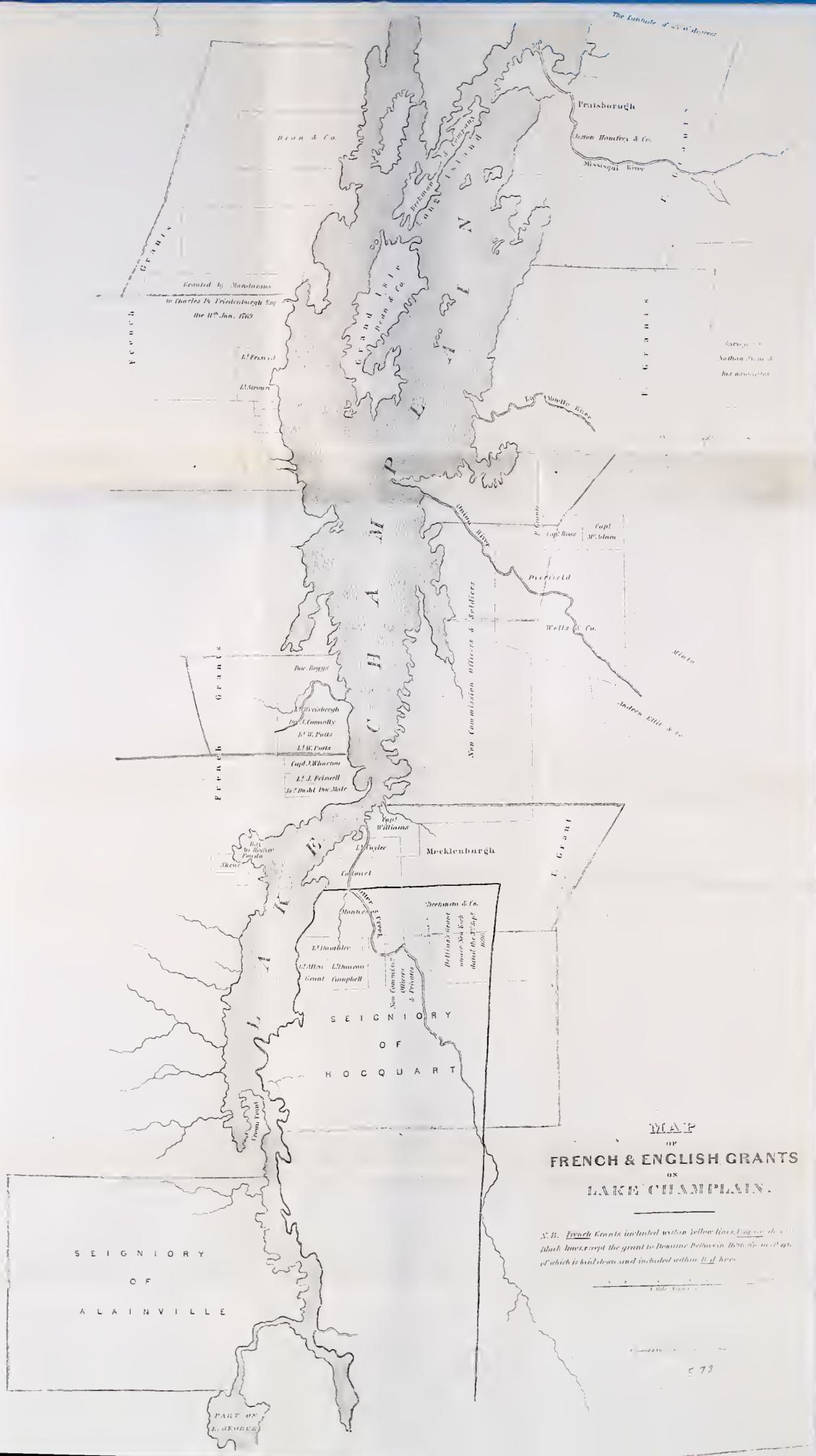
GOVR. TRYON TO LORD HILLSBOROUGH.

[Lond. Doc. XLIII.]

New York 1. Septr. 1772.

My Lord—I have had the honor to receive your Lordship's dispatches Nos. 11, 12 & 13.

It is matter of real concern to me to learn the consideration of the Canada Claims has not undergone a final decision. Upon a more strict examination of the claims of the French grantees to lands within this Governt I cannot be persuaded that the last Treaty of peace, or the articles of the Capitulation at the surrender of Canada gives any valid title to such claims. The territory southwards of St. Lawrence River has been always acknowledged the property of the Five Nations, subjects or allies of Great Brittain, & as the French settlements, as well as grants within that district were made, not under the sanction of Cession, purchase or conquest, but by intrusion, the justice of the Title of those claimants seems to rest on His Majtys generosity which will operate no doubt as powerfully in the behalf of those Officers & Soldiers, who now hold a great part of those disputed lands under grants from this provce in consequence of His Majesty's proclamation in 1763.



MAP
OF
FRENCH & ENGLISH GRANTS
ON
LAKE CHAMPLAIN.

N.B. French Grants included within yellow lines, English ones by black lines, except the grant to Benjamin Pelham in 1768 &c. in 1772, of which is laid down and included within red lines.

573

LORD DARTMOUTH TO GOVR TRYON.

[Lond. Doc. XLIII.]

Whitehall 4 Novr 1772.

The State of the French Claims on Lake Champlain appears to me, as far as I am at present informed to be a consideration of great difficulty and delicacy, and by no means of a nature to admit of an hasty decision. Those Claims are now before the Board of Trade in consequence of a reference from the privy Council, and I will not fail from what you say of the State of the Colony, as well in respect to those Claims as to the increasing disorders & confusion on the Eastern Frontiers in general, to press an immediate attention to both these important considerations.

The whole of this very important business will, I am persuaded, be discussed by the Lords of Trade with that impartiality that has always distinguished their conduct; I shall therefore avoid saying any thing more upon that subject or upon the Canadian Claims further, than, that I think it proper to observe that the proposition in your letter No 43, that all the territory on the south side of the River St. Lawrence was the property of the five Nations, and therefore that every Canadian Grant on that side of the River, was an encroachment on the British possessions, does not appear to me, from any information I have been able to collect, to be maintainable on any fair ground of argument; an observation which I think I am called upon to state to you, lest by my silence on that subject I should appear to acquiesce in a proposition that, if adopted in the extent you state it, would strip one half of the King's new subjects of their ancient possessions and must spread an alarm that may have very fatal consequences to the King's interest. I am, ettc.

DARTMOUTH.

MINUTE OF MR. EDMUND BURKE ATTENDING THE BOARD OF TRADE.

Thursday Novr 12th 1772

At a meeting of His Majesty's Comm^{rs} for Trade & Plantations Present, Mr Gascoyne, Lord Greville Lord Garlies; The Earl of Dartmouth, one of His Majesty's Principal Secretaries of State, attending

Mr. Edmund Burke attended & moved their Lordships that he might be heard by his Council, as well in behalf of the Province of New York as of sundry persons, Proprietors of Lands within the said Province, under grants from the Governor and Council thereof, against the confirmation by the Crown, of any grants made by the French King or the Government of Canada—within the limits of the said Province of New York.

Their Lordships upon consideration of Mr Burke's motion, agreed that he should be heard by his Counsel, and he was desired, so soon as his Councel should be prepared, to acquaint the Secretary therewith, in order that an early day might be fixed for the further consideration of this business.

Ordered that the Secretary do acquaint Monsr Lotbiniere who now attends to solicit the Confirmation of two seigneuries on Lake Champlain, of which he claims the possession, with Mr. Burke's application to be heard by counsel, and that he will also be at liberty to be heard by his Counsel in support of his pretensions if he thinks fit. GREVILLE.

GOV^{R} TRYON TO LORD DARTMOUTH. EXTRACT.

New York 5 January 1773

The opinion I presumed to give your Lordship respecting the Canadian Claims, was grounded on the following facts, which if I am rightly informed are capable of satisfactory proof. I hope

considering the importance of the subject, to be excused in submitting them to your Lordpps consideration.

The Dutch, who first settled this Colony, claimed the whole of Connecticut River and Lake Champlain, and all the Country to the Southward of the River St. Lawrence down to Delaware River; this appears from many ancient Maps, and particularly from Blair's and Ogilby's, which I have had an opportunity of seeing. In 1664, King Charles the Second granted this country to the Duke of York, expressly comprehending all the Lands from the west side of Connecticut River.

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On a late actual survey, by Commissrs from this & Quebec Governt, the head of that River is found to lie several miles to the Northward of the Latitude of forty five degrees, lately established by his Majesty as the boundary between this Colony and Quebec.

A west line therefore from the head of Connecticut River (which will comprehend Lake Champlain) has been always deemed the ancient boundary of New York, according to the Royal Grant; nor has it been abridged but in two instances. His Majtys proclamation limiting the extent of Quebec, and an agreement confirmed by the Crown with Connecticut. Every Act and Commission subsequent to King Charles's grant, describes the Province in General words—"The Province of New York and the territories depending thereupon" and supposes its limits to be notorious, & properly established by that grant. On this principle the Judicatories, here have grounded their determinations, in suits between the New York Patentees, and the N. Hampshire claimants. The original Colony of New Hampshire as it was granted by the Council of Plymouth, & confirmed by the Crown about the year 1635, lay altogether on the East side of Connecticut River, which it did not reach by 20 miles. As it was new modelled & enlarged by the Commission to Govr Benning Wentworth in 1742, no distance from the sea, or station is given: but it is, bounded to the west by the King's other Governts and could not comprehend the Lands on the west side of the Connecticut River which were already a part of New York, as established by the Grant of the Crown abovementioned. Hence on the footing of original Right, our Courts determined, that the New Hampshire Grants were

void for want of a legal authority in that Govern'. They considered His Maj^ty's order in Privy Council in 1764, as a confirmation of a prior Right, & not as having altered or enlarged the ancient Jurisdiction.

I am now cautious to give an opinion on the propriety of this decision, but barely mention the principles as they have been represented to me for your Lordp's information.

Whether the Dominions of the French in Canada interfered with the bounds of this Colony as anciently established by King Charles the Second, remains to be considered. All the Country to the Southward of the River St. Lawrance originally belonged to the five Nations or Iroquois, and as such, it is described in the above mentioned and other ancient Maps, & particularly Lake Champlain is there called "*Mere des Iroquois*," Sorel River which leads from the Lake into the River St. Lawrence "*Rivier des Iroquois*," and the Tract on the East side of the Lake, Irocoisia.

So early as the year 1683, the Five Nations by Treaty with the Govr of New York, submitted to the Sovereignty & protection of Great Brittain, and have ever since been considered as subjects, & their Country as part of the dominions of the Crown.

By the Treaty of Utrecht, the French King expressly recognized the Sovereignty of Great Brittain over those Nations.

Godfrey Dellius's purchase from the Mohocks, & grant under the Seal of New York in the year 1696, is esteemed a memorable proof of the Right of this Province, under the Crown, to the Lands on Lake Champlain. It comprehends a large Tract extending from Soraghtoga along Hudson's River, the Wood Creek, & Lake Champlain, on the East side upwards of twenty miles, to the northward of Crown Point; & it is thought a circumstance of no small importance, that this Grant was repealed by the Legislature in the year 1699, as an extravagant favour to one subject; which act would have been a nullity if that territory had not been within the jurisdiction of this Province.

Altho' the Canadians by their Savage depredations had long obstructed the settlement of this Frontier part of the Colony, it was not till the year 1731, that, in profound peace, they took possession of Lake Champlain & ordered Fort St. Frederick at

Crown [point]; & afterwards another Fort at Ticonderoga. This was regarded as an act of hostility, and as such complained of & resented; and the Colonies before the late war, to disappoint so dangerous a project, raised money and Troops to erect Fortifications on His Majesty's lands, at, or near Crown Point. The operations became more general, and the success of his Maj^ty^s arms, rendered it unnecessary.

The French had endeavored to fortify their encroachments by Negociations; in 1756 their Ambassador insisted as a condition of the Convention then proposed that Great Brittain should relinquish her claim to the south side of the River St. Lawrence, and the lakes which discharge themselves into that River; a demand which was peremptorily rejected, & put an end to the conference. I depend, My Lord on Entiv's history of the late war for the truth of this Fact. If it is well founded, it seems to show in a strong point of light the sense of the Crown at that crisis, respecting the territory under consideration.

If it was necessary, My Lord, to add prior instances of the encroachments of the Canadians, I would beg leave to refer your Lord^p^ to Governor Burnet's Speeches to the General Assembly of this Province in 1725, 1726 & 1727, and the resolutions of that house, stated in their Journals, deposited in the Plantation Office, on the subject of those encroachments. That Govr in his speech of the 30th Septr 1727, has these remarkable words: "I have the satisfaction to inform you, that your Agent has been very active in solliciting the affairs of this Prov^ce^, & particularly that he has succeeded in obtaining, that pressing instances might be made at the Court of France, against the Stone House built at Niagara," ettc. This shows that the Govern^t^ at home so early as that period viewed this measure of the French as an encroachment on the limits of this Colony.

I assure your Lord^p^ that I had no idea that the decision of this controversy could affect the ancient possessions of any of his Mat^ys^ new subjects. Unacquainted with their settlements on, and near the south side of the River St. Lawrence, I carried my views no further than the Province over which I preside: and which, as it is now limited does not include the whole of Lake

Champlain. I have frequently been informed, by those on whom I thought I could depend, that when the French, on the approach of Sir Jeffry Amherst in 1759, abandoned Crown Point, there were found no ancient possessions, nor any improvements, worthy of consideration on either side of the Lake. The Chief were in the environs of the Fort, and seemed intended meerly for the accommodation of the Garrisons, and I have reason to believe, that even at this day, there are very few, if any, to the Southward of the latitude forty five, except what have been made since the peace, by British subjects under the grants of this Colony. I had the honor of transmitting to the Earl of Hillsborough a paper on this subject drawn up by Council here, at the request of the reduced officers, to whom & the disbanded Soldiers a very considerable part of the Country on the East side of Lake Champlain, hath been granted in obedience to his Majtys Royal proclamation. The proof of several material facts, which influenced my opinion, are there stated, and to which I beg leave to refer your LordP.

LORD DARTMOUTH TO GOVR. TRYON.

Whitehall 3 March 1773.

With regard to the grants heretofore made by the Governors of Canada adjacent to Lake Champlain, & by the Govr of New Hampshire to the west of Connecticut River, I do not conceive that the titles of the present claimants or posessors ought to have been discussed or determined upon any argument or reason drawn from a consideration of what were or were not the ancient Limits of the Colony of New York. Had the soil and jurisdiction within the Provce of New York been vested in proprietaries as in Maryland, Pennsylvania, Massachusets Bay, or other Charter Governts, it would have been a different question: but when both, the soil and jurisdiction are in the Crown, it is I conceive, entirely in the breast of the Crown, to limit that jurisdiction and to dispose of the property in the soil in such manner as shall be thought most fit: and after what had passed, and the restrictions which

had been given respecting the claims, as well on Lake Champlain, as in the district to the westward of the Connecticut River, by which the King had reserved to himself the consideration of those claims, I must still have the misfortune to think that no steps ought to have been taken to the prejudice of the claimants under the original Titles. At the same time confident of your integrity and impressed with the most favorable sentiments of your conduct, so far as rests upon the Intention, I will not fail to do the fullest justice to the explanation of it, contained in your letters upon this subject, and there is no one of your friends, that will be more forward than myself to bear testimony of the sense of your zeal for the King's service, or more ready to concur in any proposition, that may induce the conferring on you such marks of the King's Favour, as shall be judged adequate to your great merit

I am Sir your most obed^t humble serv^t

DARTMOUTH.

EDMUND BURKE ESQ^R

TO THE SECRETARY—15 JUNE 1773.

Sir—I am honoured with your letter of the 14th wishing to be informed, on whose behalf, and on what question, I desire to have Counsel heard against the Canadian Grants on Lake Champlain. You will be so good as to acquaint their Lordpp^s that I would have Counsel heard on behalf of the grantees under New York Govern^t who are composed in a great measure of half-pay Officers, that have received grants, agreeably to his Majesty's proclamation. And I am instructed to take care of the interests of these Grantees, not only so far as they are concerned, but also so far as the territorial rights of the Province may be affected by the French claims.

I beg leave to be heard by Counsel (if their Lordpp^s should not expressly confine the Counsel) to all such matter, as they, or the parties shall advise as proper and effectual towards invalidating the said French Grants, and establishing the rights of the New York Grantees. I am with great regard Sir

Your most obed^t & humble serv^t

EDM: BURKE.

EXTRACT FROM A REPORT

OF A COMMITTEE OF COUNCIL OF THE PROVINCE OF QUEBEC RELATIVE TO COMPLETING THE BOUNDARY LINE BETWEEN THAT PROVINCE & NEW YORK, DATED QUEBEC, AUG^{t} 4. 1773.

[Council Minutes XXVI.]

We think . . . Your Honour may safely give the necessary Directions for going on with the service immediately under the following Reservations, which we consider as the only expedient for Resolving the many Difficulties which have occurred, and without which we must find ourselves under the necessity of deferring the Proceedings till another year.

That every thing shall remain between the two Provinces exactly in the same situation as well with regard to Jurisdiction as Property after the Line is run, as it does now until his Majesty's Pleasure upon that subject shall be known.

That his Excellency the Governor of New York will engage not to pass any new Grant or Grants of Land to the southward of the Line, the property of which is now or has at any Time been claimed under any Title from the Crown of France.

That we do not by our Consent to the running of the Line give up or in any manner recede or depart from any Right or Claim to Lands to the Southward of the Line which have at any time been or now are disputed between the two Provinces, but that the whole shall be submitted to his Majesty's Pleasure without Prejudice or advantage of any kind to be taken of this Instance, which we are willing to show, tho' at some Hazard, of our Desire of a good Correspondence at all times with the Province of New York.

GOV. TRYON TO LT. GOV. CRAMAHE.

Quebec 4th August 1773.

Sir, I am honoured with your Letter of this Day with the Report of the Council of your Government on the subject Matter of my Letters to you of the 5th and 25th July.

It is with singular pleasure I can inform you I accept of and assent to the Terms contained in the Reservations of the said Report; at the same time I assure you it never has been nor is my Wish or Design to take any Advantage either over the Jurisdiction of the Government of Quebec, or of French claims lying within the Government of New York; but am determined to wait the declaration of the Royal Mind concerning the Premises; I own I do not apprehend Hazard in paying Obedience to the King's Proclamation of 1763, and carrying into execution the reciprocal obligations of both governments.

THE BOARD OF TRADE TO THE COMMITTEE OF THE PRIVY COUNCIL. 25 MAY, 1775.

[Lond. Doc. XLV.]

My Lords; Pursuant to your Lordships order dated the 17th day of June 1772, we have taken into our consideration the Petition of Michel Chartier de Lotbiniere, Chevalier and styling himself Seigneur de Alainville and d'Hocquart, setting forth amongst other things that he has been deprived and disposessed of his two Lordships of d'Alainville and d'Hocquart situated at the head of Lake Champlain in a most advantageous position and consisting of the best and richest land in the Province of New York to which they were annexed eighteen months after the Treaty of Peace and humbly praying for the reasons therein contained that they [he?] may be reinstated in the full enjoyment of his said two Lordships in the same manner as when under the Government of France and that he may be reimbursed the expense he has been at in endeavoring to obtain redress therein and to be indemnified for having been kept out of his Estate and property for so long a time as well as for the damage his said Estates may have sustained. Whereupon we beg leave to Report to your Lordships:—

That the Petition of Monsr de Lotbiniere refers to two Tracts of Land under very different circumstances.

With regard to that Tract which is claimed by the Petitioner

under a Title derived from a purchase made by him of Monsr d'Hocquart in April 1763 after the conclusion of the Peace with France, it consists of two Seigneuries which amongst several other Seigneuries were granted by the Most Christian King, or under his authority by the Governor of Canada upon Lake Champlain after France had in violation of the Rights of the Crown of Great Britain usurped the possession of the lake and the circumjacent Country and forcibly maintained that possession by erecting in the year 1731 a Fortress at Crown Point.

It appears by the most authentic evidence upon the Books of our office that Lake Champlain and the circumjacent Country were at all times claimed by the Five Nations of Indians as part of their Possessions and that by agreement with them the Land on both sides the Lake to a very great extent was granted by the Gov^rs of New York to British Subjects long before any possession appears to have been taken by the Crown of France which having by the express Stipulation of the fifteenth Article of the Treaty of Utrecht acknowledged the Sovereignty of the Crown of Great Britain over the Five Nations had upon every principle of Justice and Equity precluded itself from any claim to the possession of any part of their Territory.

Upon these Grounds it was that erecting a Fort at Crown Point in 1731 was then, and ever after complained of as an Incroachment on the British Territories and a Violation of Our Rights and so carefull were the Ministers of this Country to preserve those Rights that when in consequence of the Treaty of Aix la Chapelle Commissaries were in the Year 1750 appointed to settle with Commissaries on the part of France the limits of each others possessions in North America, they were instructed to insist that France had no right to any possession on the South side of the River St. Lawrence.

Under these circumstances therefore and for as much as we are clearly of opinion that the Stipulations of the Treaty of Paris, by which Canadian property is reserved doth both in the letter and spirit of them refer only to the property and possession of the Canadians in Canada of which we insist that the Country upon Lake Champlain was no part, we cannot recommend to Your

Lordships to advise his Majesty to Comply with what is requested by the Petitioner or to do any Act which may in any respect admit a right in the Crown of France to have made those Grants under which the possessions upon Lake Champlain are now claimed either by Canadian Subjects or others deriving that Claim under purchases from them: We do not, however, mean by any opinion of Ours to prejudice their Claims in any suit they may bring for establishing those claims by due course of Law and we submit under any circumstances of the Case the question in dispute between these Claimants and the possessors under New York Grants cannot be properly decided by his Majesty in Council, unless upon any appeal from such Courts as have constitutionally the cognizance of such matters.

On the other hand when we consider that many of his Majesty's subjects trusting to the validity of the Canadian Titles have become proprietors of those Seigneuries under purchases for valuable considerations We cannot but be of opinion that the making Grants under the Seal of New York of any part of those Seigniories was an unjust and unwarrantable proceeding, That the claimants therefore ought to be quieted in the possession of at least those parts which remain yet ungranted by such order as his Majesty's Law Servants shall think more effectual for that purpose that the Governor of New York should receive the most positive orders not to make any further Grants whatever of any part of the Lands within the limits of any of those Seigneuries and that a suitable compensation should be made to the Claimants for what has already been taken away by giving them gratuitous Grants, equivalent in quantity, in other parts of his Majesty's Provinces of Quebec or New York.

With regard to the other Tract claimed by the petitioner under the description of the concession of d'Alainville, when we consider its situation to the South of Crown Point, that it is stated to have been Granted to him at a time when his Majesty's armies had penetrated into, and occasionally possessed themselves of the Country and that independent of these objections there is no evidence of the Grants having been ratified by the Crown of France, or registered within the Colony, we cannot recommend to Your

Lordships to advise His Majesty to give any countenance thereto; But the Petitioner, if he thinks he has a good title, should be left to establish that Title by due course of law in such mode as he shall be advised to pursue for that purpose.

Having said thus much upon the merits of the Petition itself, in so far as it regards the validity of the Petitioner's title to the Lands he claims we think it necessary in Justice to the Noble Lord, that presided at this Board in the year 1764 to take some notice of what is alledged therein, in respect to the declaration said to have been made by his Lordship to the effect of what is stated by the petitioner; and to observe that admitting that his Lordship had, in conversation with the petitioner made use of the expressions he states, they could only refer to possessions and property in general any where, to which he could shew a legal Title; and as an evidence of this meaning we beg leave to lay before your Lordships the annexed Extract of a Letter to the Lieutenant Governor of New York written in consequence of the petitioners application and subscribed by the Earl of Hillsborough which is so far from admitting a Title in the petitioner to those Lands which he claims in particular that it expressly reserves any discussion upon that question until the evidence of the legality of the Title should be more authentically adduced and in the meantime with equal Justice & humanity forbids any further Grants being made within the limits of the Seigneuries claimed by the Petitioner.

We are my Lords
Your Lordships Most Obedient and
Most humble Servants
DARTMOUTH
SOAME JENYNS
BAMBER GASCOYNE
WHITSHED KEENE
GREVILLE

Whitehall
May 25. 1775.

THE BOARD OF TRADE TO THE COMMITTEE OF THE PRIVY COUNCIL FEB. 13TH 1776.

[Lond. Doc. XLVI.]

My Lords—Pursuant to your Lordships Order of the 21st. Dec. last We have taken into our consideration the Matters therein contained respecting the case of Michel Chartier de Lotbiniere stiling himself Seigneur d'Allainville and de Hocquart and the reasonableness of making some adequate compensation to him for his pretensions to the said Lordships of Alainville and Hocquart by recommending him to His Majesty for a Grant of Land in some one of his Majestys American Provinces in consideration of his said pretensions as well as of the losses and expenses in which he has been involved by the proceedings of His Majestys Governors of New York in Granting away Lands within the aforementioned Lordships in express disobedience to orders received from hence whereupon we beg leave to Report to your Lordships.

That before we state Our opinion of what may be a reasonable Compensation to M. Lotbiniere in the matter referred We must observe that although his claims extend to both the Lordships of Alainville and Hocquart yet upon a review of our proceeding in his Case we cannot for the reasons set forth in Our report to your Lorships of the 25th of May last see any such foundation in his pretensions to Alainville as can warrant the advising any compensation whatever to be made to him for his interest in that Lordship so that whatever we have to recommend will be grounded solely on his claim to the Lordship of Hocquart and the consideration of the losses and expenses in which [he] has been involved by the proceedings of the Governor of New York.

The Lordship of Hocquart is described as lying on the East side of Lake Champlain extending four leagues in front and five leagues in Depth and may be computed to contain about 115,000 acres of Land.

By the proceedings of the Council of New York on the 2nd day of Septr. 1771 it appears that almost the whole of this Lordship

was granted away under the Seal of New York principally to officers and soldiers according to His Majesty's proclamation of the 7th Oct. 1773 [1763 ?]

As the greatest part therefore and probably the best in quality of those lands has been thus granted away we think that the most equitable way of making compensation to M. Lotbiniere will [be] for his Majesty to direct the Governor of Quebec to make a new Grant to M. Lotbiniere of other Lands within that Colony equivalent as nearly as may be in point of extent and in the advantages of Soil and Situation to that of Hocquart to be held upon the like terms and considerations as Lands are now held by His Majesty's other Canadian Subjects; provided that upon his being put in possession of this Grant he shall cause a full and ample surrender to be made of all his right and title to the aforesaid Lordship of Hocquart so that the present occupants who chiefly consist of Officers and Soldiers disbanded at the conclusion of the last war may be quieted & secured in their possessions.

At the same time that we state this as what we think will be a liberal compensation to M Lotbiniere, we should have been glad to have informed your Lordships that he had acquiesced in the same sentiments but as he has declined giving his attendance at Our Board though invited thereto we submit the whole to your Lordships with this observation that if M. Lotbiniere shall not think proper to accept the proposed compensation it will then remain for him to pursue his claim or Claims by due Course of Law in such manner as he shall be advised.

We are my Lords your Lordships
Most obedient and humble servants

SOAME JENYNS
W. JALLIFFE
WHITSHED KEENE
C. F. GREVILLE.

WHITEHALL Feb. 13, 1776

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